UNITED
NATIONS

CERD

International Convention on
the Elimination
of all Forms of
Racial Discrimination

Distr.
GENERAL

CERD/C/331/Add.1
11 February 1999

ENGLISH
Original: SPANISH

COMMITTEE ON THE ELIMINATION OF
RACIAL DISCRIMINATION

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 9 OF THE CONVENTION

Eighth periodic reports of States Parties due in 1998

Addendum

DOMINICAN REPUBLIC*

[4 November 1998]

* The present report contains the fourth, fifth, sixth, seventh and eighth periodic reports of the Dominican Republic, due on 24 June 1990, 1992, 1994, 1996 and 1998, combined in a single document. For the third periodic report of the Dominican Republic and the summary records of the meetings at which the Committee examined that report, see documents CERD/C/165/Add.1 and CERD/C/SR.876.

GE.99-40536 (E)

I. GENERAL

1. Occupying an island territory of 48,511.44 km², to which are added 159.38 km² of adjacent islands, the Dominican Republic has a resident population of 7,293,390 inhabitants, divided gender-wise into 3,550,797 men and 3,742,593 women, the latter representing a 51.31 per cent majority of the total. The Dominican population is mostly young, considering that the 1960 census gave a total figure of only 3,047,070 inhabitants, so that more than half the present population is under 37 years of age (with 46.6 per cent aged under 20).

2. A further population factor has been the shift in population from rural to urban. The proportions have been inverted and according to the last census, the country's population is made up of 3,199,127 rural dwellers and 4,094,263 urban dwellers, accounting for 44 and 56 per cent of the total respectively. If the urban/rural distribution of population is related to the age structure, it appears that rural areas are younger than urban areas. In the former, children under 15 of both sexes account for 40 per cent of the total, whereas this proportion is only 35 per cent in urban areas. The 15-64 age group, on the other hand, accounts for 60 per cent in urban areas and 54 per cent in rural areas. Of the total female population, half are of fertile age (15-49 age group). Owing to the greater migration of rural women to urban areas, 67 per cent of women of fertile age live in urban areas and only 33 per cent in rural areas. Generally speaking, women of fertile age in the Dominican Republic represent 24 per cent of the total population. Heads of households are split: 27 per cent of Dominican homes are headed by women, more in urban than in rural areas, where the ratio is one household in three headed by a woman. In rural areas, the ratio is one in five headed by a woman. In overall terms, the proportion has risen in the last five years, since in 1991 it was 25 per cent.

3. The average size of a Dominican household is 4.3 persons. All areas are the same in this respect. Single-person households make up 8 per cent of all households, while 66 per cent have between two and five persons and 25 per cent six or more. The migratory flow from rural to urban areas is sustained and strong. This necessarily presupposes a transformation of traditional culture in both sectors. Dominican migration may be explained by better job and living opportunities in towns, the slowness of agrarian reform (partially offset by a significant rise in the wages of agricultural labourers) and the novel attraction of a graphic world produced by the electronic media reaching all national households, especially through television, which conjure up the partly real vision of a better standard of living. This dynamic social landscape embodies the principles that govern the International Convention on the Elimination of All Forms of Racial Discrimination, because social fluidity is reflected in a social fabric engaged both within and outside the national boundaries in the search for better opportunities. One effect has been substantial emigration, with according to conservative estimates about 1 million Dominicans living and working abroad.

4. This process of emigration calls for a particular comment, in view of the fact that it is often wrongly interpreted, with the sustained rise in emigration being explained by an inability to find within the country the

jobs, goods and services needed for a comfortable and dignified way of living. It would be absurd to ignore the universal reality that people tend to engage in a vain search for work that suits their preferences or inclinations. It would be equally absurd to ignore the rate of unemployment in the Dominican Republic, whose workforce has considerably increased, with a resulting rise in both unemployment and underemployment. Those are two factors leading to a rapid maturing of the workforce, accompanied by sociological change arising from a massive incorporation of women in the labour market. According to surveys by the Dominican Central Bank, this trend has become more marked since 1990. Dominican emigrants abroad maintain close links with their relatives in the country and quite a high percentage of emigrants eventually return modestly enriched in terms of experience and resources. This toing and froing of emigrants between the homeland and a variety of nearby or faraway places at least once a year has changed the static traditions of the country, giving Dominican society a more cosmopolitan outlook. This new outlook has been further broadened with the confirmation and expansion of the Dominican Republic as a tourist destination and a recipient of foreign investment in Industrial Free Zones. There are no special obstacles to the domiciliation of foreign capital in the Dominican Republic, nor are foreign citizens prevented individually by any specific legislation, which might entail racial discrimination, from investing in the country.

5. The growth of productive activity in the last couple of decades in the two sectors has altered the labour market, leading to the massive incorporation of women into salaried manufacturing work, to the public assertion of women's rights and to a claim for maintenance for their offspring, particularly children born out of wedlock, who were traditionally subject to legally enshrined paternalism. The old attitudes have been rapidly evaporating with the reform of existing laws and the introduction of others guaranteeing equality between men and women.

6. Within this general picture, it is worth emphasizing that there is no racial prejudice, notwithstanding the possibility that there might be some individuals in the country who might discreetly support racial prejudice, although there is absolutely no foundation for the belief that there is discrimination against Haitians living in the country. Any suggestion to this effect is completely wrong and even more so the way the notion has been manipulated in some international reports. It is inconceivable that hundreds of thousands of citizens, who are supposedly ill-treated on account of their colour, should feel well received in the Dominican Republic and protected by its legislation and by the Dominican authorities. Apart from its absurdity, the very notion would appear to be merely a pretext for the continued existence of some NGOs, both national and foreign. The absolute proof of this assertion is that when thousands of Haitians are expelled from the country for being completely without papers, they return the next day taking advantage of a permeable and badly protected frontier.

Historical background

7. In this respect the Dominican Republic has accumulated a wealth of historical experience since Colonial times. The Spanish conquistadors of 1492 inevitably needed to mate with indigenous women, giving rise against all

institutional approval to mixed offspring. This particular circumstance prevailed throughout the early period of colonialization, because very few Spanish women ever came to reside in the colonial settlement. Racial compromise was evidently a necessity for the conquistadors, especially for purposes of mating. Later the island Indian women were replaced for mating purposes by black slave women. This situation produced a multi-ethnic population with cross-breeding, universally assumed to be violent, between the three races that cohabit traumatically on the island.

8. The rebellious African slaves who joined runaway slave communities, scattered outside the realm of Spanish authority, undoubtedly produced another type of human cross-breeding, between the rebellious Blacks and indigenous Indian women. This new population substratum, which emerged in the shadow of rebellion, eventually favoured the merger of all the racial factors that make up the demographic profile of the island.

9. The historic map of Santo Domingo in the sixteenth century clearly shows two types of colonial society: one that clung to the established metropolitan order, centered around the city of Santo Domingo, on the shores of the Caribbean; and another, on the northern rim, along the shores of the Atlantic ocean, which grew in a spirit of open disobedience to the authority of the Spanish Empire, particularly in the middle of the sixteenth century. The urban communities at that time carried on illegal trade with the enemies of Spain, in those days France, England and the Netherlands. This anti-imperial behaviour produced an original type of relationship between masters and slaves, which bordered on complicity. Faced with this opposition to its absolute dominion over its first colony in America, the Spanish crown decided to crush the communities which were supporting contraband.

10. In 1605 and 1606, Bayajá, La Yaguana, Puerto Plata and Monte Cristi were destroyed and their inhabitants transferred to two towns especially established to receive them, Bayaguana and Monte Plata. The destruction of these communities, which used to trade in cattle hides with Spain's European adversaries, led to a deep-seated and long drawn out economic paralysis.

11. The colonial society living in Santo Domingo never recovered from the state of misery and prostration that the colony went through at that time. The slaves continued being slaves, like their children, victims of the degrading institution of slavery, though without the burden of forced labour. This is because, as a result of the economic paralysis of the colony for much more than a century, Dominican society turned to forest livestock breeding, in which the freedom in practice of those engaged in the task was a universal, constant factor. This development bred a form of social solidarity outside the rigid mould of traditional behaviour. The "ruling ethnic group" had learned to coexist in a spirit of relative equality with coloured people who were still in theory their slaves.

12. The historical evidence of this new social situation may be found in the formation of "Las Cincuentenas", (the fifties), which were paramilitary units created by the island's strategic originality. Made up of a barefoot band of masters and slaves, they set out to defend the territorial integrity of the Spanish colony, at a time when the west coast of the island was beginning to be settled and absorbed by French citizens, who managed to establish the

French colony of Saint-Domingue at the end of the century. No similar event occurred in any other part of the Spanish Empire. Over a period of more than a century and a half, a mixed-race society had been created, originating from the three ethnic trunks, in which the Empire's racial supremacy had become dissolved, though without the loss of the institutional order on which is was based.

13. By the Basle Treaty signed between France and Spain in 1795, Spain handed over the eastern part of the island to France. The Spanish crown then ordered the total evacuation of the population of Santo Domingo to other provinces of the Spanish Empire in America. That measure led to the mass exodus of practically half the members of the "ruling ethnic group", which left a community in the country that had neither any economic means nor any social standing.

14. At the same time, however, there was an uprising of slaves in French Saint-Domingue against their masters, as a consequence of the political turmoil unleashed in France by the French Revolution. The French "ruling ethnic group" was completely wiped out by the rebellion, and the foremost revolutionary leader, Toussaint Louverture, invaded the former Spanish colony of Santo Domingo, trying to achieve the unity of the island by force under French rule. There followed a period of reaction on the part of the Dominicans, led by Brigadier Sánchez Ramírez, a half-caste from Cotuí, a small village in central Cibao. That episode, which is known in Dominican history as the Reconquista, lasted until 1822, when the country was invaded by Haitian troops. The period of political subjection lasted 22 years, until once again, now on a basis of absolute equality, Whites (very few), half-castes and Blacks rebelled against Haitian rule. Finally, the Dominican Republic saw the light of day on 27 February 1844. The very first institutional instrument, the Constitution of San Cristóbal, of that same year, established absolute equality of all Dominican citizens before the law.

15. In 1861, the then President of the Republic, General Pedro Santana, negotiated with Spain the return of the country to the Spanish Empire. One condition of those negotiations, which were otherwise abject, was that slavery should not be restored in Santo Domingo, with the unusual result from an imperial point of view that pro-slavery Spain, which maintained the degrading institution in full swing in Cuba and Puerto Rico, did not dare restore it in Santo Domingo. It came as a surprise to the top Spanish military brass that they were obliged to respect the rankings of local Dominican officers, which included many coloured individuals.

16. Within two years of the colony of Santo Domingo returning to the Spanish fold, the Dominican people set out to restore national sovereignty, which was achieved in 1865 with the support of the immense majority of Dominicans. In the epic struggle for independence, some great leaders stood out, including Generals Gregorio Luperón, Ulises Hereaux and others of dark complexion, who once independence was achieved dominated the public scene. It was probably from that time onwards that the stigma of skin colour disappeared completely and for good.

17. The internal struggles the country went through from 1901 to 1916 were not at all related to colour. The United States' intervention in 1916

interrupted the course of unruly republican affairs. An army made up of troops from an eminently racist country, as the United States of America was at that time, influenced the restoration of a social order dominated by prerogatives introduced by the invader. The latter, however, pressured and repelled by the rebellious attitude of the Dominican people, had to leave the country again in 1924.

18. The advent to power of Rafael Leonidas Trujillo, of clearly mixed racial origin, led to the Dominican Government adopting a different attitude. Regardless of the fact that the dictator might have considered himself a member of the "ruling ethnic group", his 31-year rule in fact introduced a certain appearance of equality in all aspects of Dominican life. Nevertheless, it is true that the frontier incidents of 1937, which resulted in some thousands of Haitians killed, encouraged official policy to identify the next-door neighbours by their colour, giving rise to a false ideology that identified black skin with the nationals of the neighbouring country. That mistaken identification of colour with nationality was probably reinforced in the minds of the majority of the Dominican people, which included all shades of skin colour, by the easy recognition of that identity through the different means of communication used by the neighbours, namely the French language, even among Haitian citizens who also spoke Spanish.

19. Nevertheless, in the course of Trujillo's authoritarian regime, which became tyrannical in its final stages, for the first time in its history the Dominican Republic experienced universal public education, which brought all Dominican schoolchildren into direct contact with each other in classrooms all over the country. That further weakened the occasional manifestation of discreetly discriminatory attitudes, not only from the racial, but also from the economic and social point of view.

20. As a result, there was a growing tendency to employ citizens of all colours in the armed forces and the national police, in the public administration, in the judicial system and in all national activities. The remainder of the "ruling elite" in the city of Santo Domingo (then called Ciudad Trujillo), in Santiago de los Caballeros and in other towns in the country sheltering behind lineage and wealth, became permeated by social and racial diversity, encouraged by the dictator's policies. Curiously, the spirit of segregation, rather than being based on colour or wealth, responded to a repressed aristocratic urge. One particular example is the Lebanese social minority, of definite Caucasian racial origin, which gained admittance at that time to social clubs created and dominated until then by people claiming a noble ancestry.

21. Trujillo's tragic death in 1961 set off a wave of democratic fervour, which swept away much of what was left of racial prejudice. Finally the Revolution of April 1965 further weakened the effects of that social infirmity, which had never been reflected in the legislation of the Dominican Republic. It could be said that the attitude of the Autonomous University of Santo Domingo was decisive in establishing egalitarianism among all Dominicans.

Minorities

22. Although the guidelines for this report do not mention it specifically under any particular heading or title, the paragraphs from No. 7 onwards up to article 3 seem to reflect the Committee's concern related to the presumption that an ethnic minority either existed and/or might still exist in the States parties to the Convention. Hence the desire of the Dominican State to make it clear in the light of the history of the country's culture and relevant scientific disciplines there are no ethnic minorities in the Dominican Republic, regardless of racial typology. Following United Nations recommendations, the latest census held in the country in 1992 did not mention colour on the personal files of Dominicans and foreign residents.

23. Ethnic minorities, if any, would consist of supposedly pure white or black individuals, while the great majority of the Dominican people is clearly of mixed race. This does not, however, signify a dominant position in Dominican society, which is fully socialized from a cultural point of view and hence adverse to racial discrimination. Against this completely limpid background, there is no room for any hypothesis suggesting a downtrodden ethnic minority in the Dominican Republic.

24. That having been said, the accepted international norms governing minorities assume, as an indispensable element, that a legal bond exists between any minority and the country in which it resides. This means to say that in no way does any sovereign State have an obligation to accept as right and valid the presence of foreigners, who are not only devoid of any identity papers, but also in constant breach of national immigration laws.

25. Despite the persistence of this type of situation, the Dominican Republic and the Republic of Haiti are moving nowadays on a path of desirable convergence, which is already beginning to bear fruit in terms of a closer spirit of cooperation in all areas, portending a durable fraternal approach by our two island peoples.

26. In this climate of solidarity, the Dominican Government is bent on clearing up the legal status of clandestine Haitian migrants by providing papers to all those who have "neither birth certificates, nor passports, nor Haitian identity cards", in an effort provisionally to legitimize their presence in the country.

II. INFORMATION RELATING TO ARTICLES 2 TO 7 OF THE CONVENTION

27. Never in the history of the Dominican Republic has there been any form of legislation whatever establishing racial discrimination, even in veiled terms. Unfortunately, political authoritarianism has been the rule in most of the episodes of Government, including the longest phase of political democracy in the country, which began in 1962 with the election of Professor Juan Bosch as President of the Republic. He was overthrown after seven months in office. Hence, unrestricted respect for the rights inherent in the human person in all classes of society has been intermittent and undoubtedly dependent on ruling political interests. That situation has now been well overtaken, however, and nowadays the Dominican people enjoys all its civil, political, economic, social and cultural rights to the full.

28. The ethnic characteristics referred to in paragraph 8 of the guidelines of the Committee on the Elimination of Racial Discrimination (CERD/C/70/Rev.3 of 23 July 1993) have already been dealt with earlier in relation to the Dominican case: a majority of the country's population amounting to practically 80 per cent does not fit into the classical racial typology, combining as it has done over the centuries the indigenous Amerindian, Spanish Caucasian (itself the outcome of Iberian/Arab/Moorish crossbreeding) and black races. The statistical data comes from censuses prior to 1992. It is an historical fact, however, that the only mass communication medium in the Dominican Republic has been the Spanish language.

29. Generally speaking, the Dominican ethnic type varies in colour, depending on the racial factors combined in any one individual. The skin colouration in the "mestizo" (half-breed), who came to be known after the colonial period as "mulato" (mulatto) owing to the biological depletion of indigenous women, ranges from darker to lighter tones, with the frequent appearance of Caucasian features, although often accompanied by thick hair.

30. With regard to the information requested at the end of paragraph 8, referred to above, we would like to make the following remarks.

31. Dominican legislation governing migration does not draw any distinction with regard to colour or any other characteristic with respect to foreigners residing in the country, whether legally or illegally. Hence article 1 (2) of the Convention is not relevant as far as this report is concerned. For the Dominican case, it is also difficult to provide substantive information with regard to article 2 of the Convention. Again with respect to article 2, the Dominican State has never encountered the need to condemn racial discrimination. It therefore lacks any historical perspective in this respect. On the other hand, it follows an official policy of "eliminating racial discrimination in all its forms and promoting understanding among all races," etc.

32. Similarly no objective arguments can be put forward in the Dominican case with regard to articles 3, 4 and partially 5. In the latter article, we may refer to subparagraphs (c) concerning "political rights" and (d) (iii) concerning "the right to nationality". All the nationals of the Dominican Republic have the right to vote and to stand for election, without distinction as to race, social origin or any other. The same situation prevails in all aspects of public affairs. With regard to the "right to nationality", a legal procedure is provided for all foreign citizens wishing to acquire Dominican nationality, without distinction as to race, social origin, religious belief, etc.

33. At the risk of being repetitive, it is worth reiterating in this report that the Dominican Republic guarantees all the rights listed in article 5, for all the residents in the country, including for immigrants without the status of migrants issued by a competent authority, and, further still, for all persons entering the country with a specific collective work contract. One example is the sugar cane cutters, who are numerically the largest group, the great majority of whom eventually relinquish the advantages of returning to

their country of origin, the neighbouring State of Haiti, as guaranteed by the State sugar company, to take up other forms of employment outside the specific tasks described in their contracts.

34. With regard to article 7 of the Convention, it should be emphasized again that racial discrimination between Dominicans, if it ever existed occasionally and selectively, has disappeared from the country as a form of social pathology, so that the Dominican Republic may be considered as a pillar of the Charter of the United Nations, the United Nations Declaration on the Elimination of All Forms of Racial Discrimination and the Convention under reference. Nevertheless, in order to inform the Committee about the transformation currently occurring in the Dominican Republic in substantial aspects of the institutional life of the country, with a view to protecting all national and foreign residents, legal or illegal, we are proposing the idea of a social security scheme prepared by the Department of Labour and tabled before the Parliament. This scheme will provide almost universal coverage in terms of individual and collective security, extending over the whole spectrum of economic and social rights.

35. Moreover, the new Education Act, invoking a long-established social practice, stipulates in its article 1 that: "This Act guarantees the right to education of all inhabitants of the country. In the educational field, it governs the activities of the State and its decentralized bodies and those of participants in receipt of an authorization or official recognition for the studies they offer. This Act also channels the participation of the different sectors in national education". In addition, article 4 of the same Act establishes that: "Education is a permanent and inalienable right of every human being. In order to fulfil this right, all persons are entitled to full education allowing them to develop their own personality and to undertake a socially useful activity, suited to their vocation as well as to national and local requirements, without distinction as to race, gender or religious belief". The same approach has led to the establishment of the Presidential Cultural Council. This advisory body, attached to the President's Office, has been working to establish the foundations of a State organ, in the form of a State Secretariat, which will be responsible for all cultural including indigenous activities. Some visual illustrations of full racial integration in the Dominican Republic, with reference to article 7 of the Convention, are annexed to this report.*

36. In the area of information, the country only has one State television channel, Radiotelevisión Dominicana, managed along private business lines, which for that reason is not much oriented to official broadcast material. In this State television company, which is the only one that is State-owned in the country, like in those of the private sector, none of the information transmitted and none of the audio-visual material conveys any message which might be construed in any way as reflecting racist leanings. The same is true of Dominican radio broadcasters.

37. The national press operates completely freely and no newspaper or weekly or monthly publication ever gives a thought to publishing any editorial material or information of any other kind alluding to racism.

---

* The annex may be consulted in the secretariat.